UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,052	02/02/2004	James T. Richardson JR.	M-15345 US	1520

65678   7590   11/17/2009
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EXAMINER
NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
11/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on July 1, 2009. Claims
1-17 are pending in the application.

Response to Arguments

Applicant's arguments filed July 1, 2009 have been fully considered but they are not
persuasive.

In response to applicant's arguments against the references individually, one cannot show
nonobviousness by attacking references individually where the rejections are based on
combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re
Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, regarding claim 1, Applicant's essentially argued that (a) Petry is not
concerned with sending emails and/or emailing messages to any system administrator since Petry
teaches generating an alarm notification and relaying the blocked message data to administrator
316 for review and/or action taken; and (b) Gupta fails to disclose or suggest sending a message
comprising the notification of delivery failure to a system administrator since Gupta does not
explicitly disclose or suggest that the alternate recipient is a system administrator.

Examiner respectfully disagrees.

Petry substantially discloses all the claimed limitations, except (a) fetching an email
address for the intranet web server's system administrator, (b) emailing the notification of an
abnormal operation; and (f) sending the undeliverable email to the originating intranet user if an
undeliverable email was returned because of a problem with the undeliverable email itself.

Though Petry does specify an administrator console 316 for receiving information from the

Email Management System (EMS) 203, yet Petry also discloses the Administrator console 316

can be either a web-based application or has the same intermediate platform as the EMS 203,

which is electronic message based (col. 7: lines 20-31). Thus it is obvious the notification alert

sending to the administrator can very well be an email-based message.

Gupta teaches the email system in which the email server provides notification of

delivery failure, if it determines that a message cannot be delivered (col. 1: lines 39-41). Gupta

also discloses that an administrator can specify so that the email server automatically forwards

the email message to an alternate recipient in case of email delivery failure (col. 3: line 66 - col.

4: line 10 and col. 4: lines 41-51).

Thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Gupta's teaching in and Petry's system, i.e., specify the

administrator as an alternative recipient in Petry's system, in order to keep the sender and the

administrator informed of the success/failure of delivering and the condition of the email system.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

3.   Claims 1-3, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Petry et al (US 6,941,348), hereinafter Petry, in view of Gupta (US

7,093,025).

Regarding claims 1 and 9, Petry discloses an email method comprising the acts of:

(b) verifying normal operation of the email spooler (Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(c) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (if the spool size reaches to one of several predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(d) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(e) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (a) fetching an email address for the intranet web server's system administrator, (b) emailing the notification of an abnormal operation; and (f) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(a) fetching an email address for the intranet web server's system administrator (ARCPT can be specified by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53);

(b) emailing the notification (col. 1: lines 39-59); and

(f) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Claims 2 and 10 are rejected over Petry-Gupta, as applied to claim 1 above. In addition, Petry-Gupta also discloses fetching the email address from a database (Petry: col. 9: lines 26-35).

Claims 3 and 11 rejected over Petry-Gupta, as applied to claim 1 above. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically (the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27).

Claims 5 and 13 are rejected over Petry-Gupta, as applied to claims 1 and 9 above, respectively. In addition, Petry-Gupta also discloses act (b) comprises: examining each email

queued in the email spooler to determine its pendency within the email spooler; and emailing the

system administrator regarding this email's pendency if an email's pendency within the email

spooler exceeds a normal pendency period (if the spool size reaches to one of several predefined

spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to inform an

administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56,

and col. 20: lines 26-28).

Claims 6 and 14 are rejected over Petry-Gupta, as applied to claims 5 and 14 above,

respectively. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically,

and wherein act (b) further comprises deleting this email from the email spooler and emailing the

system administrator that a persistent email spooler problem has been detected if an email has

been previously detected as exceeding the normal pendency period (the system can be constantly

updating itself and adapt in real-time; Petry: col. 12: lines 10-27; and if the spool size reaches to

one of several predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510

is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines

30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Claims 7 and 15 rejected over Petry-Gupta, as applied to claims 6 and 14 above,

respectively. In addition, Petry-Gupta also discloses act (b) further comprises: restarting the

email spooler if an email has been previously detected as exceeding the normal pendency period

(to initiate spooling, a SPOOL connection management record must be inserted, thus when the

spool connection management record is removed, then the email spooler is in effect, restarted;

Petry: col. 20: lines 1-5 and 29-34).

Claims 8 and 16 are rejected over Petry-Gupta, as applied to claims 1 and 9 above,

respectively. In addition, Petry-Gupta also discloses acts (a) through (f) are repeated periodically,

and wherein act (e) comprises resending the undeliverable email to the intended recipient only if

it has not been previously resent to the intended recipient a predetermined number of times (

Petry, col. 11: lines 57-67, col. 12: lines 10-27, and col. 14: lines 46-60).

4.   Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Petry-Gupta, as applied to claims 3 and 11 above, respectively, in view of Savchuk (US

2005/0055399).

Petry-Gupta also discloses acts (a) through (f) are repeated (i.e., the system constantly

updates itself and adapt to changing loads of electronic message traffic in real-time; Petry: col.

12: lines 10-27).   However, Petry-Gupta does not explicitly call for repeating the acts (a)

through (f) every 30 minutes.

Savchuk teaches an event spooler which can generate email/SNMP messages and send

the original data for processing. In case of network outage, data can be sent for up to 30 minutes,

with timeout gradually increasing, and then exited (para 0445). The process is then repeated until

data is successfully sent.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Savchuk's spool monitoring method in Petry-Gupta's system, motivated by

the need to ensure email application can withstand communication systems problems such as

network outages and hardware reboots.

     5.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-

Gupta, in view of Allaire, "ColdFusion, Web Application Server ", pages 1-28, 1995-1999.

Petry discloses:

a intranet web server configured to automatically generate email from an intranet user

and queue the automatically-generated email in a email spooler from where the automatically-

generated email is sent to an SMTP mail server for delivery to an intended recipient, and wherein

automatically-generated email that was undeliverable to an intended recipient is returned to the

server (i.e., EMS 203, which could run on the same physical machine as SMTP mail server 102,

is automated to process incoming messages from sending email server 102a and deliver the

messages to receiving mail server 102e. EMS 204 comprises interpreter process 350, which

interacts with traffic monitor 340, connection manager 322, email handler 335 and delivery

manager 324 to dispose the messages appropriately, e.g., message accept, message reject,

message quarantine, message spool, message defer, message redirect, etc.; col. 6: lines 17-36 and

50-66; col. 7: line 5 - col. 10: line 34).

The server being further configured to perform a method comprising the acts of:

(a) verifying that the SMTP mail server is on line (i.e., EMS 203 is active; col. 6: lines

20-31);

If the SMTP mail server is on line:

 (c) verifying normal operation of the email spooler (i.e., Spool Delivery Manager

determines whether or not messages should be spooled and the overall condition of the spooler;

col. 19: line 60 - col. 20: line 55)

(d) notifying the system administrator regarding the abnormal operation if act (b) verifies

that the email spooler is not operating normally (if the spool size reaches to one of several

predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to

inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(e) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(f) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (b) fetching an email address for the intranet web server's system administrator, and (g) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(b) fetching an email address for the intranet web server's system administrator (ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53); and

(g) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Gupta's method of sending undeliverable email to the original sender or

notify an administrator in Petry's email system, in order to keep the sender and the administrator

informed of the success/failure of delivering and the condition of the email system.

Petry-Gupta discloses substantially all the claimed limitations, except the web server is a

ColdFusion server.

Allaire teaches ColdFusion can be used to dynamically build and send email messages

through any SMTP server (§Internet Technology Integration, page 12).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to implement ColdFusion in Petry-Gupta's system, motivated by the need of providing

an integrated computing environment with a full range of internet protocols and services to

support new functionality or connectivity to legacy systems.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

       7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

       Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Van Kim T. Nguyen
Examiner
Art Unit 2456

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/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456